

Application No. 10/723,038
Amendment dated July 25, 2005
Reply to Office Action mailed March 24, 2005

REMARKS/ARGUMENTS

Claims 18-34 are pending. Claims 1-17 have been cancelled without intending to abandon or to dedicate to the public any patentable subject matter.

As set forth more fully below, reconsideration and withdrawal of the Examiner's rejections of the claims are respectfully requested.

Rejections Under 35 U.S.C. § 112, Second Paragraph

The Examiner has rejected Claims 1-17 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically, the Examiner believes that it is unclear as to what the recited amount of hydrated plant protein is based upon. Applicant has cancelled Claims 1-17. New Claim 18 more clearly recites the weight percentages of the animal protein source and the plant protein source based on the meat alternative as a whole. Applicant therefore submits that the recitation of the amounts of the different protein sources recited in the new claims are sufficiently definite to meet the requirements of 35 U.S.C. § 112, second paragraph.

Claim Rejections Under 35 U.S.C. § 102

The Examiner has rejected Claims 1, 2, 6-8 and 11-14 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,536,406 (hereinafter "Brander"). Applicant has cancelled Claims 1, 2, 6-8 and 11-14. Applicant submits that new claims 18-34 recite a process not taught by the prior art described by Brander. Applicants therefore respectfully request the Examiner's rejection under 35 U.S.C. § 102(b) be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

The Examiner has rejected Claims 9 and 10 under 35 U.S.C. § 103(a) as being obvious over Brander in view of U.S. Patent No. 4,863,749 (hereinafter "Yamada"). Applicant has cancelled Claims 9 and 10. Furthermore, Applicant submits that the subject matter claimed in new Claims 17-34 is neither taught nor suggested in its entirety by the combination of Brander and Yamada.

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The Examiner has rejected Claims 3-5 under 35 U.S.C. § 103(a) as being obvious over Brander in view of U.S. Patent No. 3,736,148 (hereinafter "Katz"). Applicant has cancelled Claims 3-5. Additionally, Applicant submits that the subject matter claimed in new Claims 17-34 is neither taught nor suggested in its entirety by the combination of Brander and Katz.

Based upon the foregoing, Applicant believes that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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